



## DELTA STEWARDSHIP COUNCIL

A California State Agency

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December 18, 2013

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Eric Oppenheimer  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Mr. <sup>Eric</sup>Oppenheimer,

Congratulations on completion of the State Water Resources Control Board's (SWRCB) Groundwater Workplan Concept Paper (Concept Paper– October 4, 2013). This document provides an excellent starting point in addressing management of a vital component of California's water resources. The Concept Paper is well timed and in alignment with priorities related to groundwater included in the Governor's California Water Action Plan released October 31, 2013.

As you know, on May 16, 2013, the Council adopted the Delta Plan. The Delta Plan contains 14 regulatory policies and 73 non-regulatory recommendations which serve as a means to further achievement of the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta's ecosystem (Water Code section 85054 and Public Resources Code section 29702(a)). The Delta Plan noted:

*"Groundwater is the source, on average, of 20 percent of California's urban and agricultural water supplies. The state's most significant groundwater use occurs in regions that also rely upon water from the Delta watershed. In many of these groundwater basins, more water is pumped than is recharged, and groundwater levels are declining over the long term. The California Water Plan Update 2009 estimates that the state, on average, overdrafts its groundwater basins by about 1 to 2 MAF per year and that the level of unsustainable groundwater pumping is increasing."*

In addition, the Delta Plan concluded:

*"The continued existence of major California groundwater basins in a chronic condition of overdraft combined with key regions of the state that depend on water from the Delta watershed and have poor groundwater practices, including unsustainable groundwater pumping, water quality contamination, irreversible loss of groundwater storage, and no groundwater plan for addressing these problems, is a major impediment to the achievement of the coequal goals."*

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*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054

In support of the Water Board engaging in meaningful actions regarding groundwater, we commend to your attention the staff draft of the Governor's California Water Actions Plan ([http://resources.ca.gov/docs/Final\\_Water\\_Action\\_Plan.pdf](http://resources.ca.gov/docs/Final_Water_Action_Plan.pdf)). This document gives clear additional direction on the need to take firm action to solve the problem of groundwater overuse.

***“Declining groundwater basins*** – Groundwater accounts for more than one-third of the water used by cities and farms—much more in dry years, when other sources are cut back. Unfortunately, much of California's groundwater is not sustainably managed. Climate change is exacerbating ongoing problems with groundwater resources in California, including overdraft, seawater intrusion, land subsidence, and water quality degradation. Taking more than is returned lowers groundwater levels which makes pumping more expensive and energy intensive. It also serves to mobilize toxins that impair water quality and causes land subsidence, which damages infrastructure and permanently diminishes the capacity to store water for the future. Land subsidence due to groundwater overdraft is impossible to reverse. Well-managed groundwater has the potential to buffer against the impacts of climate change on our water resources. The actions identified in this plan will move California toward better management of our groundwater resources.

***Poor water quality*** - Millions of Californians rely, at least in part, on contaminated groundwater for their drinking water. While most water purveyors blend or treat the water to meet public health standards, many disadvantaged communities cannot afford to do so. In addition, domestic wells are rapidly drying up. All Californians have a right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes. Safe water is necessary for public health and community prosperity. The actions in this plan will improve the organization of our water quality programs and create new tools to help ensure that every Californian has access to safe water.”

In general, the proposed framework for the Groundwater Workplan appears to be more focused on groundwater quality management and provides less discussion on the management of groundwater quantity, which is a vital resource for many California communities, agriculture, and the environment. The proposed framework does make suggestions for potential actions by others with respect to groundwater quantity management, but does not appear to emphasize the immediate and grave conditions some groundwater basins are experiencing and the threat posed to a reliable water supply because of decades of groundwater overdraft. We would encourage inclusion of a thorough discussion of groundwater quantity management in the final workplan.

We urge the Water Board to consider inclusion of three specific policy recommendations on groundwater found in the Delta Plan:

1. **Recover and Manage Critically Overdrafted Groundwater Basins** (Delta Plan Recommendation WR R11). This calls upon the Water Board to use its state Constitutional authority to require groundwater regulation, where local agencies fail or refuse to do so on their own.

*"Local and regional agencies in groundwater basins that have been identified by the California Department of Water Resources as being in a critical condition of overdraft should develop and implement a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the California Department of Water Resources Bulletin 118 (Update 2003), by December 31, 2014. If local or regional agencies fail to develop and implement these plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State's Constitution Article X, Section 2, prohibition on unreasonable use of water and whether a groundwater adjudication is necessary to prevent the destruction of or irreparable injury to the quality of the groundwater, consistent with Water Code sections 2100 and 2101."*

2. **Update Bulletin 118, California's Groundwater Plan** (Delta Plan Recommendation WR R9)

*The California Department of Water Resources, in consultation with the Bureau of Reclamation, U.S. Geological Survey, the State Water Resources Control Board, and other agencies and stakeholders, should update Bulletin 118 information using field data, California Statewide Groundwater Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by December 31, 2014, so that this information can be included in the next California Water Plan Update and be available for inclusion in 2015 urban water management plans and agricultural water management plans. The Bulletin 118 update should include a systematic evaluation of major groundwater basins to determine sustainable yield and overdraft status; a projection of California's groundwater resources in 20 years if current groundwater management trends remain unchanged; anticipated impacts of climate change on surface water and groundwater resources; and recommendations for State, federal, and local actions to improve groundwater management. In addition, the Bulletin 118 update should identify groundwater basins that are in a critical condition of overdraft.*

3. **Implement Groundwater Management Plans in Areas that Receive Water from the Delta Watershed** (Delta Plan Recommendation WR R10)

*"Water suppliers that receive water from the Delta watershed and that obtain a significant percentage of their long-term average water supplies from groundwater sources should develop and implement sustainable groundwater management plans that are consistent with both the required and recommended components of local*

*groundwater management plans identified by the California Department of Water Resources Bulletin 118 (Update 2003) by December 31, 2014."*

We also want to acknowledge by developing this workplan the SWRCB is implementing a fourth Delta Plan policy recommendation:

**4. Protect Groundwater Beneficial Uses** (*Delta Plan Recommendation WQ R6*)

*The State Water Resources Control Board should complete development of a Strategic Workplan for protection of groundwater beneficial uses, including groundwater use for drinking water, by December 31, 2012*

In addition, we urge you to include these other recommendations in the Groundwater Workplan:

- The Groundwater Workplan should include a description of the regulatory environment of managing groundwater in California. The Concept Paper states "Various local, regional, and State agencies, including the Water Boards, have authority and responsibility for managing and regulating groundwater", but does not elaborate on these responsibilities. It is important to provide this foundation to give context to why many of California's groundwater basins have been allowed to reach critical levels without consequence or proactive management.
- Also helpful would be consideration in the Groundwater Workplan of case studies of successful groundwater management in California, especially at the local level, to identify best practices, and of approaches to speeding the transfer and adoption of effective management practices. Incentives for improving local groundwater management should also be explored.
- The Groundwater Workplan should include a discussion of "reasonable use" of groundwater. The Concept Paper states "...the State Water Board has broad constitutional authority to prevent the waste and unreasonable use of the State's water resources (including groundwater)". The final workplan should expand on this statement and clarify whether the SWRCB has the authority to take action if the failure of management of certain groundwater basins continues.
- The proposed framework for the workplan calls for the five key elements of an effective groundwater management program: thresholds, monitoring and assessment, governance, funding, and enforcement. We support this framework, however, the workplan should identify where existing thresholds do not currently exist (or the information is inadequate) and call for developing those thresholds (potential actions of others).

As an example, there is little or no data available regarding thresholds for sustainable or safe yields of groundwater use for individual groundwater basins. Understanding each

groundwater basin's recharge capabilities and the basin's "natural depletion" contributing to environmental uses of groundwater such as springs and streams should be a prerequisite to any groundwater use planning efforts. The final workplan should identify any such gaps in available threshold information and call for the development of these thresholds. This also illustrates the importance of updating and completing DWR's Bulletin 118 which will analyze California's groundwater basins.

- We support calling on the Legislature to expand the groundwater recordation program and to give the SWRCB or DWR the authority to determine which basins should be part of the recordation program if basin conditions deteriorate in the future.
- Finally, we suggest that State grant and loan priorities be revised to give preference to local agencies that fully embrace and practice current and future sustainable groundwater management. This approach is similar to the Delta Plan recommendation WR R7 (Revise State Grand and Loan Priorities) which is focused on urban water management and agricultural water management plans as well as integrated regional water management plans.

As suggested in the introduction of the Groundwater Workplan Concept Paper, we would like to meet with you and other appropriate SWRCB staff to continue this dialogue. If you have any questions regarding these comments or require additional information, please contact me at (916) 445-0258 or Kevan Samsam at (916) 445-5011.

Sincerely,



Cindy Messer  
Deputy Executive Officer